

zation listed in subsection (a) of this section such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

**(3) Vacancies**

A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a) of this section, except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

**(d) Quorum**

12 members of the Board shall constitute a quorum but a lesser number may hold hearings.

**(e) Reimbursement of expenses**

Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

**(f) Meetings**

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

**(g) Conflict of interest**

The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(Pub. L. 104-285, title I, §104, Oct. 11, 1996, 110 Stat. 3378; Pub. L. 109-9, title III, §302(b), Apr. 27, 2005, 119 Stat. 225.)

TERMINATION OF SECTION

*For termination of section, see section 179w of this title.*

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109-9, §302(b)(1), substituted “22” for “20” in introductory provisions.

Subsec. (a)(2). Pub. L. 109-9, §302(b)(2), substituted “5” for “three”.

Subsec. (d). Pub. L. 109-9, §302(b)(3), substituted “12” for “11”.

Subsec. (e). Pub. L. 109-9, §302(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board.”

**§ 179o. Responsibilities and powers of Board**

**(a) In general**

The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 179m of this title, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

**(b) Nomination of films**

The Board shall consider, for inclusion in the National Film Registry, nominations submitted

by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

**(c) Powers**

**(1) In general**

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

**(2) Service on Foundation**

Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 151703 of title 36.

(Pub. L. 104-285, title I, §105, Oct. 11, 1996, 110 Stat. 3380.)

TERMINATION OF SECTION

*For termination of section, see section 179w of this title.*

CODIFICATION

“Section 151703 of title 36” substituted in subsec. (c)(2) for “section 203”, meaning section 203 of the National Film Preservation Act of 1996, on authority of Pub. L. 105-225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

**§ 179p. National Film Registry Collection of Library of Congress**

**(a) Acquisition of archival quality copies**

The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

**(b) Additional materials**

The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

**(c) Property of United States**

All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b) of this section, shall become the property of the United States Government, subject to the provisions of title 17.

**(d) National Film Registry Collection**

All copies of films on the National Film Registry that are received by the Librarian under subsection (a) of this section, and other materials received by the Librarian under subsection (b) of this section, shall be maintained in the Library of Congress and be known as the “National Film Registry Collection of the Library of Congress”. The Librarian shall, by regulation, and in accordance with title 17, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

**(e) National Audio-Visual Conservation Center**

The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

(1) title 17; and

(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.

(Pub. L. 104-285, title I, §106, Oct. 11, 1996, 110 Stat. 3380; Pub. L. 109-9, title III, §302(c), Apr. 27, 2005, 119 Stat. 225.)

**TERMINATION OF SECTION**

*For termination of section, see section 179w of this title.*

**REFERENCES IN TEXT**

This Act, referred to in subsec. (a), is Pub. L. 104-285, Oct. 11, 1996, 110 Stat. 3377, which enacted this section and sections 179l to 179o and 179q to 179w of this title and sections 5701 to 5708 of former Title 36, Patriotic Societies and Observances, repealed sections 179 to 179k of this title, enacted provisions set out as a note under section 179l of this title, and repealed provisions set out as a note under section 179 of this title. Sections 5701 to 5708 of former Title 36 were repealed and reenacted as chapter 1517 (§151701 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, by Pub. L. 105-225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36. For complete classification of this Act to the Code, see Tables.

**AMENDMENTS**

2005—Subsec. (e). Pub. L. 109-9 added subsec. (e).

**§ 179q. Seal of National Film Registry****(a) Use of seal****(1) Prohibition on distribution and exhibition**

No person shall knowingly distribute or exhibit to the public a version of a film or any copy in any format of a film which bears the seal described in section 179m(a)(3) of this title if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 179m(a)(1)(D) of this title.

**(2) Prohibition on promotion**

No person shall knowingly use the seal described in section 179m(a)(3) of this title to

promote any version of a film in any format other than a Registry version.

**(b) Effective date of seal**

The use of the seal described in section 179m(a)(3) of this title shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 179m(a)(2) of this title, the name of that film as selected for inclusion in the National Film Registry.

(Pub. L. 104-285, title I, §107, Oct. 11, 1996, 110 Stat. 3381; Pub. L. 109-9, title III, §302(d), Apr. 27, 2005, 119 Stat. 225.)

**TERMINATION OF SECTION**

*For termination of section, see section 179w of this title.*

**AMENDMENTS**

2005—Subsec. (a)(1). Pub. L. 109-9, §302(d)(1), inserted “in any format” after “or any copy” in introductory provisions.

Subsec. (a)(2). Pub. L. 109-9, §302(d)(2), substituted “in any format” for “or film copy”.

**§ 179r. Remedies****(a) Jurisdiction**

The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 179q(a) of this title.

**(b) Relief****(1) Removal of seal**

Except as provided in paragraph (2), relief for violation of section 179q(a) of this title shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

**(2) Fine and injunctive relief**

In the case of a pattern or practice of the willful violation of section 179q(a) of this title, the United States district courts may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

(Pub. L. 104-285, title I, §108, Oct. 11, 1996, 110 Stat. 3381.)

**TERMINATION OF SECTION**

*For termination of section, see section 179w of this title.*

**§ 179s. Limitations of remedies**

The remedies provided in section 179r of this title shall be the exclusive remedies under sections 179l to 179w of this title, or any other Federal or State law, regarding the use of the seal described in section 179m(a)(3) of this title.

(Pub. L. 104-285, title I, §109, Oct. 11, 1996, 110 Stat. 3381.)

**TERMINATION OF SECTION**

*For termination of section, see section 179w of this title.*

**§ 179t. Staff of Board; experts and consultants****(a) Staff**

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appro-